

MISSOURI BOARD OF  
REGISTRATION FOR THE  
HEALING ARTS  
3605 Missouri Boulevard  
P. O. Box 4  
Jefferson City, MO 65102

Petitioner,

JUDY K. RICHTER  
16119 West 79<sup>th</sup> Terrace  
Lenexa, KS 66219

Respondent.

Case No. 2001-004209

### SETTLEMENT AGREEMENT

Comes now Judy K. Richter (Licensee), and the State Board of Registration for the Healing Arts (the Board) and enter into this Agreement for the purpose of resolving the question of whether Licensee's license as a speech-language pathologist will be subject to discipline. Licensee and the Board jointly stipulate and agree that a final disposition of this matter may be effectuated as described below pursuant to § 621.045, RSMo 2000.

1. Licensee acknowledges that she understands the various rights and privileges afforded by law, including the right to a hearing of the charges against Licensee; the right to appear and be represented by legal counsel; the right to have all charges against Licensee proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against Licensee; the right to present evidence on Licensee's own behalf; the right to a decision based upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against Licensee; and subsequently, the right to a disciplinary hearing before the Board at which time evidence may

be presented in mitigation of discipline. Having been advised of these rights provided Licensee by operation of law; Licensee knowingly and voluntarily waives each and every one of these rights and freely enters into this Agreement and agrees to abide by the terms of this document as they pertain to Licensee.

2. Licensee acknowledges that she may, at the time this Agreement is effective or within fifteen days thereafter, submit this Agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties constitutes grounds for discipline of Licensee's license.

3. Licensee acknowledges that she has been informed of her right to consult legal counsel in this matter.

4. Licensee hereby waives and releases the Board, its members and any of its employees, agents, or attorneys, including any former Board members, employees, agents, and attorneys of, or from, any liability, claim, actions, causes of actions, fees costs and expenses, and compensation, including, but not limited to any claims for attorneys fees and expenses, including any claims pursuant to § 536.087, RSMo, or any claim arising under 42 USC 1983, which may be based upon, arise out of, or relate to any of the matters raised in this case or this Agreement, or from the negotiation or execution of this Agreement. The parties acknowledge that this paragraph is severable from the remaining portions of this Agreement in that it survives in perpetuity even in the event that any court of law deems this Agreement or any portion thereof void or unenforceable.

5. Licensee understands that the Board may take separate disciplinary action against Licensee based on facts or conduct not specifically mentioned in this document that are either now known to the Board or may be discovered.

6. Licensee understands and agrees that the Missouri State Board of Registration for the Healing Arts will maintain this Agreement as an open record of the Board as required by Chapters 345, 610, 620 and 621, RSMo 2000.

I.

Based upon the foregoing, Board and Licensee herein jointly stipulate to the following:

**JOINT PROPOSED FINDINGS OF FACT**

1. The State Board of Registration for the Healing Arts ("the Board") is an agency of the State of Missouri created and established pursuant to § 334.120, RSMo 2000, and authorized pursuant to § 345.030, RSMo, that executes and enforces provisions of Chapter 345, RSMo.

2. The Respondent ("Licensee") was licensed by the Board as a speech-language pathologist, License No. 01480. Licensee's Missouri license was at all times relevant herein, and is now, current and active.

3. Pursuant to § 345.051.3, RSMo 2000, each licensee is required to meet the continuing education hours established by the Board in order to renew his or her license.

4. In order for Licensee to renew her speech-language pathologist license for the period of 2001-03, Licensee was required to obtain thirty hours of continuing education for

the period of January 1, 1999 through December 31, 2000, in accordance with § 345.051.3, RSMo 2000 and 4 CSR 150.4.052 (2).

5. § 345.051.3 provides, in part:

An applicant for renewal of a license pursuant to this section shall:

- (2) Meet any other requirements the board establishes as conditions for license renewal, including the demonstration of continued competence to practice the profession for which the license is issued. A requirement of continued competence may include, but is not limited to, continuing education, examination, self-evaluation, peer review, performance appraisal or practical simulation.

6. 4 CSR 150.4.052 provides, in part:

- (1) Each licensee shall biennially complete and report at least thirty (30) hours of continuing education. A person holding licensure in both speech-language pathology and audiology shall biennially collect and report at least thirty (30) hours of continuing education in speech-language pathology and at least thirty (30) hours in audiology. The board shall not issue a renewal of a licensee's license certificate of registration unless the licensee documents completion of thirty (30) hours of continuing education in the immediately preceeding reporting period.

\* \* \* \* \*

- (4) Each licensee shall retain records documenting his/her attendance at and completion of the required hours of continuing education for a minimum of three (3) years after the reporting period in which the continuing education was completed. The records shall document titles of the courses taken, dates, locations, course sponsors, category of hours earned, and number of hours earned. The board may conduct an audit of licensees to verify compliance with the continuing education requirement. Licensees shall assist the board in its audit by providing timely and complete responses to the board's inquiries.

\* \* \* \* \*

- (6) Violation of any provision of this rule shall constitute misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct in the performance of the functions or duties of

a speech-language pathologist and/or audiologist depending on licensee's conduct. In addition, a licensee who has failed to complete and report in a timely fashion the required hours of continuing education and engages in the active practice of speech-language pathology and/or audiology without the express written authority of the board shall be deemed to have engaged in the unauthorized practice of speech-language pathology and/or audiology and punishable as such under section 345.075, RSMo.

7. 4 CSR 150-4.053 91) provides that:

A minimum of twenty (20) hours of the required thirty (30) hours of continuing education must be obtained as follows:

- (A) Activity approved by the American Speech-Language-Hearing Association (ASHA), the American Academy of Audiology (AAA), the American Medical Association (AMA); or courses sponsored by the Missouri Speech-Language-Hearing Association (MSHA) or the Missouri Academy of Audiology (MAA), the Department of Elementary and Secondary Education (DESE), of the Council for Exceptional Children (CEC); and/or
- (B) Academic coursework at a regionally accredited college or university in subject matter specified in subsection (2)(D) of this rule.

8. On the renewal application for the period of 2001-2003, Licensee indicated that she had obtained at least thirty hours of continuing education during the period of January 1, 1999, through December 31, 2000.

9. On May 14, 2001, the Board notified Licensee that it was conducting an audit of the continuing education hours she had obtained for the period of January 1, 1999, through December 31, 2000. Licensee was requested to submit the required documentation verifying her continuing education to the Board within twenty-one days.

10. On June 11, 2001, the Board received Licensee's completed "Continuing Education Audit: Cover Sheet" in which Licensee indicated that she had completed 40.5

hours of "Kansas Dept. of Health & Envir." continuing education and 6 hours of ASHA continuing education.

11. On June 12, 2001, the Board notified Licensee that it was in receipt of her documentation. The Board informed Licensee that the Kansas Department of Health and Environment was not an approved entity under 4 CSR 150.4.053. The Board asked Licensee to send the appropriate documentation of a minimum of twenty continuing education hours that were approved or sponsored by the entities listed in 4 CSR 150.4.053.

12. On August 15, 2001, the Board informed Licensee via certified mail that it had yet to receive the documentation requested of Licensee, asked Licensee to respond to the Board within ten days, and notified Licensee that failure to comply with the audit could result in disciplinary action.

13. During the period of January 1, 1999 through December 31, 2000, licensee failed to obtain a total of twenty hours of continuing education from approved sponsors in Category I, as required by 4 CSR 150-4.053 (1); or, in the alternative, Licensee failed to retain and submit the required documentation.

14. The Board relied on the answers and information that Licensee provided in her renewal application when determining if Licensee had met all of the requirements for renewal and in determining whether her license should be renewed.

#### **JOINT PROPOSED CONCLUSIONS OF LAW**

Based on the foregoing, Licensee's license is subject to disciplinary action pursuant to § 345.065.2 (6) and (11), RSMo 2000, which states in pertinent part:

2. The Board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by section 345.010 to 345.080 or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

\* \* \*

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 345.010 to 345.080, or any lawful rule or regulation adopted pursuant to sections 345.010 to 345.080;

\* \* \*

(11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact.

\* \* \*

## II.

Based on the foregoing, the parties mutually agree and stipulate that, in lieu of disciplinary action, the speech-language pathology license, No. 01480, issued to Licensee is hereby VOLUNTARILY SURRENDERED BY LICENSEE.

- A. This Agreement does not bind the Board or restrict the remedies available to it concerning any other violation of Chapter 345, RSMo, by Licensee not specifically mentioned in this document.
- B. In consideration of the foregoing, the parties consent to the termination of any further proceedings based upon the facts set forth herein.

LICENSEE

Judy K. Richter  
Judy K. Richter 5-13-02

BOARD

Tina Steinman  
Tina Steinman, Executive Director

JEREMIAH W. (JAY) NIXON  
Attorney General

Andrea Mazza Follett  
ANDREA MAZZA FOLLETT  
Assistant Attorney General  
Missouri Bar No. 48517  
P. O. Box 899



Jefferson City, MO 65102-0899  
(573) 751-3700  
Attorneys for the Board

EFFECTIVE THIS 30 DAY OF May, 2002.